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JAN 18 2012
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-1071

**ENTERED
Office of Proceedings**

JAN 18 2012

**Part of
Public Record**

**STEWARTSTOWN RAILROAD COMPANY
ADVERSE ABANDONMENT
IN YORK COUNTY, PENNSYLVANIA**

NOTICE OF INTENT TO FILE AN OFFER OF FINANCIAL ASSISTANCE

1. James Riffin ("Riffin"), pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board") herewith files his formal Notice of Intent to File an Offer of Financial Assistance, to purchase from the Stewartstown Railroad Company ("STW"), portions of the Stewartstown Railroad ("Line"), which line of railroad is the subject of the above entitled proceeding.

2. Riffin is a financially responsible person. Riffin has, or within a reasonable time will have, the financial resources to fulfill all of his proposed contractual obligations.

3. Pursuant to 49 U.S.C. § 10904 and 49 CFR 1152.27 (a), Riffin requests STW provide Riffin and the Board with the information specified in 49 CFR 1152.27 (a), and specifically, the following information:

A. STW's estimate of the net liquidation value of the line with supporting data reflecting available real estate appraisals, assessments of the quality and quantity of track materials in the line, and removal cost estimates, including the cost of transporting removed materials to a point of sale, the cost of removing cross ties, and any Sediment Control Prevention Plan costs.

B. Deed references to all parcels STW contends it owns in fee simple.

C. STW's most recent reports on the physical condition of that part of the Line involved in the proposed abandonment.

4. Riffin proposes to offer to purchase the following portions of the Stewartstown Railroad. Since Riffin proposes to purchase discrete portions of the Stewartstown Railroad, Riffin would ask that the Stewartstown Railroad provide the above noted information (in ¶3) for each portion noted below.

- A. That portion of the Line that lies between MP 0.0 in New Freedom, PA, to a cut point near MP 1.9, said cut point to be 1,500 feet east of the east side of the intersection of the Susquehanna Trail and the Line, including the tracks adjacent to the Line, which tracks total about 1,860 linear feet.
- B. The small (0.289 acre +/-) parcel identified as Lot Two on a plat prepared by Shaw Surveying, Inc. on July 16, 1997, and the easement interest retained by the Stewartstown Railroad with regard to Parcel One of the same plat, being the land conveyed to the Stewartstown Railroad by a deed dated November 29, 1892, and recorded in the Land Recorder's Office of York County, PA, in Liber 17-S, folio 634, saving and excepting therefrom the December 9, 1997 conveyance from the Stewartstown Railroad to Larry Lamotte, recorded in the Land Recorder's Office of York County in Liber 1309, folio 555, but including the easement retained in the Lamotte deed.
- C. That portion of the Line that lies between the cut point located 1,500 feet east of the east side of the intersection of the Susquehanna Trail and the Line, and a cut point located at MP 3.2.
- D. That portion of the Line that lies between MP 3.2 and MP 5.7.
- E. That portion of the Line that lies between MP 5.7 and the end of the Line, including any easements located at the end of the Line, and the trackage located on those easement(s). Excluding the Stewartstown Railroad Station and the land that it sits on,

located in Stewartstown, PA; Excluding the structure the Stewartstown Railroad houses its locomotive(s) in, in Stewartstown, PA.

F. If that portion identified in paragraph A above is purchased, then the land and the structure on the land located in Shrewsbury, PA, which lies adjacent to, and on the North side of the Line, on the east side of the Susquehanna Trail, which structure formally was used as a railroad station.

G. If the entire Line is purchased, then the land and the building used to house the Stewartstown Railroad's locomotives(s).

4. Pursuant to the 6th Circuit's decision in *Railroad Ventures, Inc. V. Surface Transp. Bd.*, 299 F.3d 523 at 552 (6th Circuit 2002), where the 6th Circuit held that "a Qualified OFA purchaser is entitled to determine how much of the line it wishes to acquire," Riffin intends to make separate offers for each portion identified in paragraph 4 above, subject to the condition that Riffin will not offer to purchase any portion not connected to a portion that connects to MP 0.0.

Respectfully submitted,



James Riffin

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 2012, a copy of the foregoing Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon Alex Snyder, Barley Snyder, P.O. Box 15012, York, PA 17405-7012 and upon Keith G. O'Brien, Baker and Miller, Ste 300, 2401 Pennsylvania Ave, Washington, DC 20037.



James Riffin